

## **DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR PUBLIC HEALTH PURPOSES PROCEDURE**

1. The Designated Attorney or Designee(s) and Privacy Official or Designee(s) will periodically review policies and procedures that apply to routine reporting of births, deaths, and reportable communicable diseases and injuries, to assure compliance with applicable state laws, and to assure that only as much information as is required under such laws is being reported. The Designated Attorney or Designee(s) will disseminate information concerning any required changes to current policies and procedures to all affected workers, and will discuss with senior management methods to assure that changes are promptly incorporated into reporting practices to assure compliance with state laws and to avoid improper disclosure of Protected Health Information (PHI).
2. BBHMF will obtain agreement to the disclosure from either, 1) a parent, guardian, or other person acting in loco parentis of the individual if the individual is an unemancipated minor; or 2) the individual, if the individual is an adult or emancipated minor, prior to BBHMF disclosing PHI to a school in response to a proof of immunization. The agreement may be acknowledged in writing (but does not need to be in the form of a HIPAA Authorization) or it may be acknowledged verbally. If agreement is obtained verbally, it is highly recommended that BBHMF document such permission for compliance purposes.
3. The Designated Attorney or Designee(s) and Privacy Official or Designee(s) will periodically review (at least annually) policies and procedures that apply to routine reporting to the FDA (its agents, or others authorized or required by the FDA to receive such information) of adverse events, product tracking information, and post marketing surveillance information. This review will assure compliance with FDA requirements, and assure that only as much information as is required by the FDA is being reported.
4. The Privacy Official or Designee(s) and the Designated Attorney or Designee(s) will develop review procedures to assure that any FDA reporting is related to the quality, safety or effectiveness of FDA-regulated products and activities. For example, it is not permissible to disclose protected health information to a manufacturer to allow the manufacturer to evaluate the effectiveness of a marketing campaign for a prescription drug. In this example, although the disclosure may be related to the effectiveness of an FDA-regulated activity (the advertising of a prescription drug), the disclosure is made for the commercial purposes of the manufacturer rather than for a public health purpose.
5. Any disclosure of PHI required as part of a product recall, or to locate or notify patients regarding a product recall, will be managed by the Designated Attorney or Designee(s) and the Privacy Official or Designee(s). Care will be taken to assure that only the minimum PHI necessary to protect patients' welfare will be disclosed.
6. The Privacy Official or Designee(s) and Designated Attorney or Designee(s) will develop a training program for department managers to assure that they are familiar with the provisions of applicable laws regarding public health reporting, and know how to apply such laws to disclosures of PHI made under their directions. This training will include providing authorized personnel with a comprehensive list of the public health disclosures that they are authorized to make. Disclosures on the list will be reviewed in accordance with the ROUTINE AND RECURRING DISCLOSURES AND REQUESTS/NON-ROUTINE DISCLOSURE AND REQUESTS policy.

7. When a request for disclosure of PHI for public health purposes is not on the list of disclosures which authorized personnel are authorized to make, they will refer the request to the Privacy Official or Designee(s). Such disclosures will be reviewed in accordance with the ROUTINE AND RECURRING DISCLOSURES AND REQUESTS/NON-ROUTINE DISCLOSURE AND REQUESTS policy.
8. Disclosures made under this policy must be recorded for inclusion in any accounting of disclosures. See ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION.

**REFERENCE:** 45 CFR §§ 164.512(a), and (b), (l) (i), (iii), and (iv)

**See Also:** ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION  
DISCLOSURE OF PROTECTED HEALTH INFORMATION TO REPORT CHILD  
ABUSE OR OTHER ABUSE, NEGLECT, OR DOMESTIC VIOLENCE

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